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OFFICE OF PETITIONS

In re Application of :
Elliot A. Gottfurcht :
Application No. 10/757,164 : DECISION ON PETITION
Filed: January 13, 2004 : UNDER 37 C.F.R. §1.181
Attorney Docket Number: 4346P001X4 :
Title: METHOD AND APPARATUS FOR :
PLAYING VIDEO AND CASINO GAMES :
WITH A TELEVISION REMOTE :
CONTROL :
:

This is a decision on the petition filed on December 28, 2005, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed December 2, 2004, which set a shortened statutory period for reply of three (3) months. An after-final amendment was received on January 27, 2005, and an advisory action was mailed on March 2, 2005. A Notice of Appeal was received on April 4, 2005, along with a one-month extension of time. An appeal brief was not received, and no extensions of time under the provisions of 37 CFR §1.136(a) were obtained, and accordingly, the application became abandoned on June 5, 2005. A notice of abandonment was mailed on November 3, 2005.

With the present petition, it has been made clear that a five-month extension of time was submitted on November 4, 2005, along with the filing of a continuation application (Application No. 11/266,244.)

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn, and that the date of the abandonment be changed.

Regarding the first request, it is clear that a response was timely submitted. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that a submission was timely received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuing Application No. 11/266,244.

Regarding Petitioner's second request, Petitioner is informed that the date of abandonment is not set by the mailing of a notice of abandonment, but rather by operation of law.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

The Change of Correspondence Address has been entered and made of record.



Paul Shanoski
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